IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.909 OF 2007
IN
APPEAL (L) NO.118 OF 2007
IN
ARBITRATION PETITION NO.263 OF 2006

WITH

NOTICE OF MOTION NO.910 OF 2007
IN
APPEAL (L) NO.119 OF 2007
IN
ARBITRATION PETITION NO.254 OF 2006

Asian Electronics Ltd. ...Appellant
V/s.
Tata Motors Ltd. ...Respondent

Mr.Milind Sathe, Sr. Advocate, with Mr.Zuber Dada & Mr.Mukul Taly i/b. S. Mahomedbhai & Co. for the Appellant.
Mr.P.K. Samdani, Sr. Advocate i/b. Wadia Ghandy & Co. for the Respondent.

CORAM : J.N. PATEL &
A.A. SAYED, JJ.
DATE : 19TH APRIL, 2007.

P.C. :

1. This is not on Board. Mentioned.

2. Mr.Samdani, learned counsel appearing for the Respondent submits that before this Court takes up the application for condonation of delay, the office may be directed to examine as to whether the Appellant is liable to pay Court fees. In support of his contention he has cited the latest decision of the Division Bench dated 07.03.2007 rendered in the case of Maharashtra

Industries Development Corporation, Mumbai V/s. Govardhani Constructions Company (in Appeal No.903/2006 in Arbitration Petition No.159/2006).

3. Mr.Sathe, learned counsel appearing for the Appellant submits that in case this Court condones the delay in filing the Appeal, the question of paying Court fees would arise thereafter and if the Appellant is required to pay Court fees, he will do so as the Appeal is yet to be registered. This order be communicated to the Assistant Prothonotary (O.S.)/Registrar (Judicial) to inform all concerned so that while conducting scrutiny the office will not overlook non-payment of Court fees in Appeals arising out of arbitration matters. The copy of the judgement furnished to the Court be also sent to the Registrar (Judicial).

4. By consent, subject to the aforesaid contentions, Notice of Motion No.909/2007 and No.910/2007 is taken up for hearing.

5. For the reasons stated in the affidavits in support of these Notices of Motion, the delay is condoned subject to payment of costs of Rs.5,000/- and the same be credited to the account of Maharashtra State Legal Services Authority.

6. The Notices of Motion are made absolute accordingly.

7. As this being a matter of Original Side, Assistant Prothonotary, who is in charge of filing of such matters, to examine the issue of payment of court fees. On Court fees being paid by the Appellants, the Appeal be registered. Thereafter liberty to the counsel to get the matter circulated after giving notice to the other side for admission and interim order. Mr.Sathe, learned counsel appearing for the Appellant submits that he will remove the office objections, if any, relating to the payment of court fees. We accept the statement made by the learned counsel for the Appellant and on compliance thereof, the matter be listed for admission and for interim orders for stay on 3rd May, 2007.

[J.N. PATEL, J.]

[A.A. SAYED, J.]